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MEMORANDUM

From: F. G. Myer
CG Sector Portland

Reply to: IMD
Attn of: LT Shaun Edwards
503-240-2566

To: COMDT (CG-533)
Thru: (1) CGD THIRTEEN (d)
(2) PACAREA (prm)

Subj: REQUEST FOR CONTINUED REMOVAL ACTION AT THE EX-USS
WASHTENAW COUNTY (LST-1166) SITE, CITY OF RAINIER, COLUMBIA
COUNTY, OREGON

Ref: (a) Chapter 3, NPFC Users Reference Guide
(b) Commander, Sector Portland memo 16000 dated 06 October 2008 re: REQUEST
FOR DESTRUCTION OF THE EX-USS WASHTENAW COUNTY (LST-1166)

- I. PURPOSE: The purpose of this Action Memo is to request and document approval of the removal action for the Washtenaw County (LST-1166), referred to herein as the LST-1166. The CERCLA project ceiling for this incident will exceed \$250,000.00. With this Action Memo, I am requesting a CERCLA ceiling of approximately \$7.7M-8.6M, depending on the method of disposal selected. This Action Memo is being submitted in accordance with CERCLA incident cost policy and procedures for the Coast Guard Federal On Scene Coordinator (FOSC) as outlined in reference (a).
- II. BACKGROUND: LST-1166 was built in 1953 as a tank landing ship for the United States Navy. The vessel is 2,590 tons, has a steel hull, and measures 384 feet in length and 55 feet of breadth. LST-1166 was converted into a minesweeper in 1973 for service in Vietnam and was ultimately decommissioned later that year. After being decommissioned the vessel was purchased and used by private entities (US and foreign) for various commercial purposes. In 1980 LST-1166 was towed to Astoria, Oregon because of mechanical trouble. Since that time the vessel has been inactive, changed ownership several times, and been moored both legally and illegally in a multitude of locations along the Columbia River. The current owner is the Washtenaw County – LST-1166, LLC, a nonprofit organization incorporated under the laws of Oregon for the purpose of developing the ship as a maritime museum. The Washtenaw County – LST-1166, LLC has only three members and has not been successful in their plan for the ship. On 07 September 2007, Sector Portland was notified by local law enforcement of an oil sheen coming from LST-1166. That same day Sector Portland personnel visited the vessel and found that it posed a substantial threat of discharge/release of oil and other hazardous substances into or on the navigable waters of the United States due to the large amount of oil and other hazardous substances on board and the deteriorated condition of the vessel. The proximate cause of the oil release was the stripping of nonferrous metals, including hydraulic lines, wire, and valves from the vessel by thieves. Sector Portland immediately contacted Mr. Walt James, a member of Washtenaw County – LST-1166, LLC, and has subsequently taken the following actions. To date, neither the owner nor the Certificate of Financial Responsibility (COFR) Guarantor has adequately complied, or in any way indicated that they will adequately

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comply in the future, with any of the three Administrative Orders or the COTP Order issued to the vessel owners. The COFR Guarantor cancelled the COFR as of 07 February, 2008 and refused to conduct a clean-up of LST-1166 absent limitations on liability that the Coast Guard cannot grant. The Washtenaw County – LST-1166, LLC is, for all intents and purposes, defunct.

A. Site Description:

(1) CERCLA Project Number: C0158
RCRA Site ID # ORQ000027762

(2) *Physical Location*- The LST-1166 is illegally moored on the Oregon side of the Columbia River, a navigable waterway of the U.S., behind Lord Island, West of the city of Rainer, Oregon at river mile marker 63. The LST's approximate coordinates are: 46 07'18" N 123 00'51" W. The vessel can only be accessed via watercraft.

(3) *Site Characteristics*- The site has been used for oily waste dumping and criminal methamphetamine activity. The vessel is in a remote location; however, it is a highly used public fishing area and adjacent to a public access beach. The owner of the vessel is a private, non-profit organization operating under the name of Washtenaw County- LST-1166, LLC. This is the first removal at the site. The following table provides additional vessel particulars:

Hull	All welded steel
Length	384 ft
Beam	55 ft
Gross tonnage	2,590 tons
Drafts	Forward- 3' 5" Aft- 9' 10"

(4) *Release or threatened release into the environment of a hazardous substance or pollutant*- The vessel contains asbestos, polychlorinated biphenyls (PCBs) and lead paint. PCBs were present in liquid form in hydraulic fluid and in other oils aboard the vessel, and in some cases these liquids spilled onto the decks. Initially, this was believed to be the sole source of PCBs aboard the vessel, and I anticipated that removal of liquid PCBs followed by decontamination IAW 40 CFR Subpart G would be sufficient. However, hexane swipe samples of painted surfaces conducted after initial surface cleanup continued to show elevated PCB levels. As a control, swipe sampling was then conducted on upper portions of bulkheads that had not been exposed to liquid spills. These samples also showed the presence of PCBs. Further investigation showed that the PCBs did not originate from spills but were integral to the paint itself, and that the hexane was causing PCBs to migrate from lower (older) paint layers to the surface. The PCB levels range from <0.5 ppm to 5120 ppm and were determined using the EPA method 8082. Lead levels in the paint ranged from 3.42 ppm to 8200 ppm and were determined

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by using the EPA method 7000 series. The estimated amounts of hazardous substances and pollutants on-board the vessel are:

- a) Asbestos- 120 cubic yards
- b) PCB contaminated lead paint- 500,000 sq ft
- c) PCB contaminated wiring- total amount not determined.

(5) *NPL Status*- the site is not currently listed on the NPL and has not received a Hazard Ranking. The site has not been referred for a site assessment program investigation.

(6) *Maps, Pictures and other graphic representations*- refer to enclosures (1-2).

B. Other Actions to Date:

(1) Due to the inadequate response by the responsible party, the site was federalized and removal actions initiated by the US Coast Guard, Captain of the Port Portland on 11 July 2008. Contractors were hired for the removal of hazardous materials and pollutants on the vessel. A salvor was hired to assess the integrity and stability of the hull and to repair damage due to the theft of the sea chest valves. A security company has also been hired to prevent further vandalism, dumping and illegal activities while the response is on-going.

(2) The current amount obligated to date from the Oil Spill Liability Trust Fund is \$5,025,000.00 and the current amount obligated to date from the CERCLA fund is \$165,716.33.

III. THREATS TO PUBLIC HEALTH OR WELFARE OR THE ENVIRONMENT AND STATUTORY AND REGULATORY AUTHORITIES:

A. *Threats to Public Health or Welfare*- Release of hazardous substances will likely impact personnel inside vessel without donning proper PPE. The hazardous materials that have been identified on-board the vessel are asbestos, lead paint and high levels of PCBs.

B. *Threats to the Environment*- Release of the above mentioned hazardous materials will likely impact the environment. Much of the paint on the vessel have tested positive for high levels of PCBs. Flaking paint is being released into the marine environment.

IV. **ENDANGERMENT DETERMINATION:** Actual or threatened releases of hazardous substances from this site, if not addressed by continuing removal actions selected in this Action Memorandum, may present an imminent and substantial endangerment to the public health or welfare and/or the environment.

V. PROPOSED ACTIONS AND ESTIMATED COSTS

A. Proposed Actions:

(1) Asbestos- all friable asbestos has been removed and all remaining asbestos material has been encapsulated with a polymer. The asbestos that is removed was disposed of at an approved TSCA waste site in Arlington, OR.

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(2) Lead/PCB paint- IAW 40 CFR 761.79(b) All PCB-contaminated lead paint will be removed from the vessel and the steel will be cleaned via sand-blasting or ultra-high pressure water-jet blasting until it meets a visual condition equivalent to National Association of Corrosion Engineers/Steel Structures Protection Council Standard SSPC-SP-10, Near-White Metal Blast Cleaning. PCB-contaminated blasting grit and sludge will be disposed of at a permitted TSCA waste facility. Any lead-painted surfaces found to be free of PCBs will be air-blasted with low pressure air or scraped with power tools to remove flaking material.

(3) Per Reference (b), I have received authorization from Commandant (Encl. 3) to destroy the vessel and I have also requested a permit to dump the vessel offshore IAW 40 CFR 229.3. If this permit is granted, the cleaned vessel will be towed to sea and dumped at a location selected in coordination with the NOAA Scientific Support Coordinator (Encl. 4). This site will be in water greater than 1000 fathoms depth and more than 60 nautical miles offshore. I will establish a safety zone for the duration of this operation. The NOAA SSC also conducted a risk evaluation of the threat to the environment for PCBs in waters of 1000 fathoms. NOAA determined that the PCBs in the paint would not leach out into the water column. (Encl. 5)

B. Estimated CERCLA Costs for cleaning and disposal of the LST-1166:

1. Two options for disposal have been obtained from T & T Bisso. Option A (Encl. 6) is for cleaning the vessel and ocean disposal at an estimated cost of \$8,519,000.00. Option B (Encl. 7) is for cleaning the vessel and recycling at a facility in British Columbia, Canada at an estimated cost of \$7,670,000.00

VI. EXPECTED CHANGE IN THE SITUATION SHOULD ACTION BE DELAYED OR NOT TAKEN: Due to past history of the vessel being a dumping platform for oily waste and a site for criminal methamphetamine activity, the site will continue to pose a threat to the public welfare and the environment if proposed actions are delayed or not completed. PCB contamination into the river environment will continue during the deterioration of painted surfaces.

VII. OUTSTANDING POLICY ISSUES: None

VIII. ENFORCEMENT: Three administrative orders and two Captain of the Port Orders have been issued to the vessel/owner. The RP and COFR Guarantor have been unwilling to take the action necessary to remove the hazards currently present of the vessel.

IX. RECOMMENDATION: This decision document represents the selected removal actions for the LST-1166 site in the COTP Portland zone. My recommendation is for ocean disposal of the vessel. Conditions at the site meet the NCP section 300.415 (b)(3) criteria for removal. I recommend approval of the proposed removal action. The total ceiling project if approved will be approximately \$15,106,879.00. Of this, an estimated \$8,519,000.00 comes from the Coast Guard's multi-incident CERCLA IAG.

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Enclosure: 1. Chart of LST-1166 moored location
2. Photos: LST-1166 prior to clean-up
3. COMDT Authorization for destruction
4. NOAA approved dump site
5. NOAA PCB risk evaluation

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6. T & T Bisso estimate for ocean disposal
7. T & T Bisso estimate for recycle disposal

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